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Rick Kuner, a transportation and city planner, reviewed the SFEIS and submitted comments on this document. In his comments, Mr. Kuner specifically addresses the extent to which IDOT's decision to ignore many key goals and objectives in the 2020 RTP prevents the agency from fully considering viable alternatives, including the Action Plan. Mr. Kuner's discussion of this issue is adopted and incorporated by reference into these comments.

C. IDOT's Analysis Of The Need To Achieve Land Use And Transportation Planning Goals Is Circular.

- 3.32 As one of the four primary reasons supporting its choice of I-355 South as the Preferred Alternative, IDOT states that "[t]he proposed Transportation System Improvement would be consistent with county and municipal land use planning goals because it would focus and service growth within the Project corridor, an area planned for development." (SFEIS at 1-8.) IDOT bolsters this conclusion with a discussion of how local government has already planned and zoned for development within the Project corridor and market forces have resulted in growth in the Project corridor. (SFEIS at 1-7, 1-8 and 1-9.) IDOT's analysis implies that the local land use plans provide an independent basis on which to conclude that the I-355 South Extension is the transportation improvement that will best serve the needs of the local communities and help them achieve their general land use goals. This "justification" is completely circular.

All of the county and local land use plans designate development for the project corridor because the local governments have been told for years specifically to include construction of the I-355 South extension. Why? Because IDOT has expressed its intention to build the I-355 South extension for decades—long before it began to articulate a need for the project or consider potential alternative ways to meet that need. As a direct result of IDOT's years of promotion of this road and its utter failure to publicly discuss potential alternatives until this most recent round of study, local officials have assumed the road would be built and therefore constructed their land use plans around the road.

According to IDOT's reasoning, because local governments have planned their growth to accommodate the highway that IDOT said it intended to build, the only way to help these municipalities achieve their land use goals is to build the highway. Without employing such circular reasoning, it is not possible to conclude from the local plans' specific inclusion of the I-355 South extension that this highway provides the best means of helping local communities achieve their land use goals. Before reaching that conclusion, IDOT must genuinely review the overall land use goals of the communities in and around the Project corridor and seriously address the extent to which all of the reasonable alternatives are consistent with those land use goals.

The SFEIS disingenuously fails to mention that local and land use plans include the tollroad, and that it is therefore no coincidence that areas planned for development happen to coincide with the locations of proposed interchanges. This is a particularly glaring omission given IDOT's statement in section 4.4 of the 1996 FEIS that "[t]he recommended highway has been included in land use plans throughout the project area. Regional and local plans assume that a highway will be constructed in the corridor." Contrary to the impression created by

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IDOT, it is not the case that the I-355 South Extension happens to be "more consistent" with county and local land use plans than other alternatives. The construction of the I-355 South Extension is actually a fundamental assumption on which the county and local land use plans are built.

1.5 D. IDOT's Unjustifiably Narrow Interpretation Of The Need To Improve Regional Mobility Eliminates All Alternatives Except A Highway

IDOT initially defines "improving regional mobility" in relatively broad terms as addressing the need "to enhance mobility for trips originating within the Project corridor and traveling to points elsewhere within the region, as well as for trips passing through the Project corridor." (SFEIS at 1-11.) This definition of the need to improve regional mobility allows for the examination of several reasonable alternatives, including significant improvements to existing roads and transit lines, as a means of meeting this need. As IDOT further defines this need, however, it restricts the potential alternatives to one, namely, the I-355 South Extension.

Throughout this section of the SFEIS, IDOT defines "improving regional mobility" as requiring "a direct north-south route linking I-55 with I-80 that is of adequate capacity and design speed to efficiently move regional travel." (SFEIS at 1-11.) IDOT states that a Transportation System Improvement is needed: (1) "to connect I-80 to the I-290/I-355 beltway"; (2) "to improve access to the interstate system from within the Project corridor"; (3) and to add capacity in a form that integrates into the existing highway network. (SFEIS at 1-11, 1-12, and 1-14.) Each of these very specific needs can only be satisfied by the construction of the I-355 South extension.

II. THE SFEIS FAILS TO CONSIDER ALL REASONABLE ALTERNATIVES

A. NEPA Requires a Rigorous Analysis of All Reasonable Alternatives.

- 3.18 The "core requirement" of NEPA is to "consider 'all reasonable alternatives' in depth." Simmons v. U.S. Army Corps of Engineers, 120 F.3d 664, 670 (7th Cir. 1998). NEPA regulations specifically state that an EIS must "rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. §1500.2.

Alternatives are reasonable if they "accomplish the general goal of an action" (Van Abbema v. Fornell, 807 F.2d 633, 648 (7th Cir. 1986)) and are "practical or feasible from the technical and economic standpoint and using common sense." Council on Environmental Quality, "40 Most Asked Questions," Question 2a, 46 Fed. Reg. at 18027. An agency may not deem an alternative unreasonable and refuse to consider it merely because it does not completely meet the proposed project's goal. FHWA must "consider such alternatives to the proposed action as may partially or completely meet the proposal's goal." City of New York v. U.S. Dept. of Transportation, 715 F.2d 732, 742, (2nd Cir. 1983). "A discussion of alternatives that would only partly meet the goals of the project may allow the decision maker to conclude that meeting part of the goal with less environmental impact may be worth the tradeoff with a preferred alternative that has a greater environmental impact." North Buckhead Civic

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Association v. Skinner, 903 F.2d 1533, 1542 (11th Cir. 1990). Finally, the alternatives must be compared and contrasted in detail so that a reader can clearly understand the pros and cons of each alternative. The regulations specifically require that an EIS "must present the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. §1502.14.

As explained in detail below, the SFEIS fails by a wide margin to meet those standards. The selected alternatives are unduly narrow and restricted. The document completely ignores a demonstrably reasonable alternative that was proposed long before the draft was issued. Moreover, the SFEIS presents no comparative analysis of the environmental impacts and benefits of the various alternatives.

B. The Selected Alternatives are Unjustifiably Narrow

- 3.19 The SFEIS places several arbitrary restrictions on alternatives that may be considered. First, the SFEIS focuses on single-mode alternatives. Second, it arbitrarily insists that the preferred alternative be a single "route." Third, it excludes consideration of projects that do not fall entirely within the narrowly-drawn study area, even if those projects would serve the travel needs identified in the Purpose and Need section. Fourth, the SFEIS completely ignores the Action Plan alternative, which is demonstrably reasonable and was presented to IDOT many months before the draft was published. Each of these restrictions on the consideration of alternatives violates NEPA, case law and regulations. Each is arbitrary. None is satisfactorily explained in the SFEIS.

1. The SFEIS Arbitrarily Limits Alternatives to A Single Mode

- 3.20 In spite of IDOT's promise to Commentors that it would develop multi-modal alternatives (See Attachment B, Minutes, p.2), the SFEIS contains only single-mode alternatives. The SFEIS discusses Transportation System Management (TSM) strategies as stand-alone alternative (SFEIS at 3-3), mass transit improvements as a stand-alone alternative (SFEIS at 3-4), the proposed tollroad as a stand-alone alternative (SFEIS at 3-8), and two variations of an arterial road improvement as stand-alone alternatives (SFEIS at 3-9). Nowhere does IDOT consider an alternative that combines these different types of transportation initiatives together. Nor does the SFEIS anywhere explain why its alternatives are limited in this way and why there was no consideration of at least one alternative with the promised mix of strategies. Indeed, there is no explanation in the alternatives section of what other alternatives (if any) may have been considered and rejected for one reason or another, and why IDOT chose the particular alternatives that are presented in the SFEIS.

The decision to consider only alternatives limited to a single mode is utterly arbitrary. Train lines, buses, roadways big and small, Transportation System Management strategies, sidewalks and bicycle facilities are all parts of an integrated transportation network that functions throughout northeastern Illinois. There is no reason (and certainly none is expressed in the SFEIS) why different types of facilities and different types of strategies could not be combined to address the transportation needs of northern Will County and the region.

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The drafters of the SFEIS certainly knew before they ever conducted any analysis that transit alone or Transportation System Management strategies alone would not fully meet the Purpose and Need identified in the SFEIS. That of course does not mean that they cannot contribute significantly toward meeting those needs, when combined with roadway improvements or other strategies. One can only conclude that these alternatives were designed to fail.

The determination that the alternatives could only contain a single mode of transportation or a single type of transportation strategy is no different from the Army Corps of Engineers' unlawful determination in Simmons v. U.S. Army Corp of Engineers that the only acceptable alternative for providing needed water to southern Illinois towns was an alternative that provided water from a single source, rather than multiple sources. 120 F.3d 664 (7th Cir. 1997).

2. The SFEIS Arbitrarily Limits Alternatives to a Single "Route"

- 3.21 Another arbitrary limitation placed on alternatives in the SFEIS is that a roadway alternative must satisfy the Purpose and Need by providing sufficient automobile capacity along a single "route" (See SFEIS at 1-8). Thus, all three roadway alternatives are essentially different versions of moving traffic up and down a single roadway in the tollroad corridor, with one alternative distributing traffic onto other roads for a portion of its length.

No consideration is given to the obvious alternative of creating an enhanced network of roadways that could carry the same traffic to the same destinations, but along multiple roadways instead of a single roadway. Once again, the alternatives section contains no explanation why such a "network" was not considered. As discussed below and in the comments of transportation planner Rick Kuner, improvements to multiple arterials can carry as many cars as a single tollroad, but also provide additional benefits for local travel. The insistence on meeting Purpose and Need with a single "route" is not only arbitrary, but also pre-ordains the conclusion that a tollroad is the best alternative. A four to six lane tollroad, by definition, can carry more traffic than a four-lane arterial road. The tollroad must automatically be declared the superior alternative in such circumstances. The insistence on a single route, then, like the insistence on a single mode, appears deliberately designed to ensure a conclusion in favor of a tollroad. Once again, this arbitrary limit on alternatives violates the principles enunciated in Simmons v. U.S. Army Corps of Engineers.

3. The SFEIS Arbitrarily Excludes Projects Outside of the Study Area.

- 3.22 The study area is drawn as a narrow rectangular box mimicking the shape of the proposed tollroad. (SFEIS at 1-2). The SFEIS excludes projects that are not located entirely within the confines of that narrow rectangular box, even if those projects would help to meet the Purpose and Need by serving local and regional trips that may originate in the project corridor and go to destinations identified in the Purpose and Need statement. For example, the Action Plan, discussed below, calls for a network of enhanced arterial roads to help carry people from the project corridor to regional job centers and nearby local destinations. In a December 22, 2000 letter to the Commentors, IDOT explained that it rejected consideration of some projects in

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